IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.15067 of 2006(O&M)

DATE OF DECISION: 25.9.2006

Head Constable Tajinder Kaur and others ....Petitioners

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr.C.M. Sharma, Advocate for the petitioners.

J.S. Khehar, J. (oral)

Constable Raj Kumari (respondent No.8 in the instant writ petition) approached this Court by filing CWP No.7687 of 2002, wherein she challenged the process of selection for appointment to the post of Head Constable. The aforesaid writ petition came to be disposed of with a direction to the respondents to re-evaluate the answer sheets.

Consequent upon the process of re-evaluation conducted by the respondents, in furtherance of the order passed by this Court in CWP No.7687 of 2002, respondent No.8 Constable Raj Kumari could still not make the grade. Finding herself in the aforesaid predicament, she again approached this Court by filing CWP No.4256 of 2005 wherein she again challenged the process of selection from the post of Constable to the rank of Head Constable. On a re-determination of the controversy raised by

respondent No.8 at the hands of this Court in CWP No.4256 of 2005, this Court, while upholding the process of re-evaluation conducted by the respondents, dismissed the writ petition filed by her. While dismissing the writ petition filed by Constable Raj Kumari, this Court also recorded that in the process of re-evaluation respondents No.6 to 10 also had not made the grade, and as such, held that respondents No.6 to 10 would not be entitled to the benefit of having completed the Lower School Course.

The petitioners herein were respondents No.6 to 10 in CWP No.4256 of 2005. Dissatisfied with the order passed by this Court on 8.11.2005 in CWP No.4256 of 2005, they approached the Apex Court by filing a Petition for Special Leave to Appeal, challenging the order passed by this Court in CWP No.4256 of 2005. It is, therefore, apparent that the selection of Constables for being deputed to the Lower School Course, which was the subject matter of challenge in CWP No.4256 of 2005, now rests adjudication before the Apex Court.

Through the instant writ petition, the petitioners desire us to entertain the same issue, wherein the process of selection conducted by the respondents for deputing Constables to the Lower School Course is stated to have been made in violation of the Standing Order under Rule 13.20 of the Punjab Police Rules, Volume II, covering the selection of Constables at the hands of the Departmental Promotion Committee for being placed in List B-I for undergoing the Lower School Course.

It is not possible for us to entertain the instant writ petition, as the main controversy is also pending adjudication at the hands of the Apex Court, in furtherance to the challenge raised by the petitioners themselves consequent upon the order passed by this Court in CWP No.4256 of 2005.

It is not possible for us to accept the claim of the petitioners, to enable them to raise the same dispute at different levels, at the same time.

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

September 25, 2006.
vig